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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,452	10/27/2003	Tushar Prakash Ringe	1738.003US1	2488

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EXAMINER

CORRIELUS, JEAN B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,452

Applicant(s)

RINGE ET AL.

Examiner

Jean B Corielus

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-19, 21-24 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-19, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 2 and 24 is/are rejected.
- 7) ☐ Claim(s) 3-8, 23 and 27-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Examiner's Comment

1. Claim 2 was indicated objected to on light of the previously applied reference. However, after further consideration, claim 2 is determined to read on the previously applied reference as set forth below.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "each of the received primary period and primary width updates occurs across **or within** a PWM signal boundary of a current PWM signal being generated" does not have proper antecedent in the specification, as recited in claims 2 and 27.

Claim Objections

3. Claims 2-8, 23-24 and 27-31 are objected to because of the following informalities:

Claim 2, line 5, "can occur" should be changed to "occurs". The same comment applies to claim 27, line 4.

Claim 8, line 9, before "to", "is" should be inserted

Claim 8, line 9, before "to", "is" should be inserted. The same comment applies to line 9.

Claim 23, line 4, "core" should be inserted after " microcontroller" so as to be consistent with antecedent. The same comment applies to claim 24, line 2; line 11, and line 13, respectively, "to receive" should be replaced by "for receiving" so as to be consistent with antecedent in addition; line 12, "to generate" should be replaced by "generates"; line 13 "to further generates" should be replaced by "further generates"; line 26, "an" should be replaced by "said" in both occurrences so as to be consistent with antecedent in line 8 above

Claim 24, line 1, "a means to receive" should be replaced by "means for receiving".

Note that any claim whose base claim is rejected is likewise rejected.

Correction is required.

Information Disclosure Statement

4. The information disclosure statement filed 6/27/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 the limitation "the final output waveform generator" lacks of proper antecedent basis.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 2 is rejected under 35 U.S.C. 102(e) as being Hoeld by US Patent No. 6,487,246.

Hoeld discloses a method and apparatus fig.3 comprising a PWM waveform generator to generate a predictable PWM signal see col. 1, lines 61- 62, col. 2. , lines 18-25, on real time (note at col. 1, lines 17-19, Hoeld discloses that the PWM circuits is embedded in controllers and motor control circuits, an indication that the PWM signal is generated in real-time) based on a sequence of programmed period and duty cycle (width) values and associated primary period and primary duty cycle (width) received from a processor see col.3, lines 18-25, lines 40-43 and col. 6, lines 65- 67; note that as shown in Fig. 3 the received primary period (116) and primary width updates (118) are

provided while the PWM signal is generated on line 110 an indication that the updates have to occur within or across the PWM signal boundary of a current signal being generated., i.e. (PWM out).

Allowable Subject Matter

9. Claims 3-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

11. Claims 9-23 and 27-31 are allowed. However, the claim must be amended if necessary to overcome any objection set forth above.

Response to Arguments


12. Applicant's arguments filed 1/26/06 have been fully considered but they are not persuasive. Applicant alleged that copies of cited documents were file along with the current response. However such copies of the cited document could not be located. The 112 first second paragraph rejections of claims 3-8, 18-19, 21 and 22 and 2-8 and 27-31, respectively have been withdrawn in view f the applicant's response

(amendment/comment). However after further consideration a few claim objections and/or rejection are set forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean B Corrielus
Primary Examiner
Art Unit 2637

3-20-06